

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA,

5 -versus-

06-CR-154

6 LEWIS LEE.

7 - - - - -

8 EXCERPT TRANSCRIPT OF PROCEEDINGS held in and for

9 the United States District Court, 15 Henry Street, Binghamton,

10 New York, on THURSDAY, August 21, 2008, before the

11 HONORABLE THOMAS J. McAVOY, SENIOR UNITED STATES DISTRICT

12 COURT JUDGE, Presiding.

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15 APPEARANCES:

16 FOR THE GOVERNMENT:

17 UNITED STATES ATTORNEY'S OFFICE

18 BY: MIROSLAV LOVRIC, AUSA

19 Binghamton, New York

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21 FOR THE DEFENDANT:

22 FEDERAL PUBLIC DEFENDER'S OFFICE

23 BY: LISA PEEBLES, AFPD

24 Syracuse, New York

1 THE COURT: Okay. Miss Peebles.

2 | CROSS-EXAMINATION

3 | BY MISS PEEBLES:

4 Q Miss Thompson, you described a fairly close-knit
5 family that you have, is that fair to say?

6 A Yes, I think so.

7 Q And you said you have six children all together?

8 A Yes.

9 Q Your oldest child is five years older than
10 Elizabeth?

11 A Yes.

12 Q And that's her older sister?

13 A Yes.

14 Q And her older sister has always attended public
15 school?

16 A No, not always.

17 Q Did she ever -- was she, in fact, ever home
18 schooled?

19 A Yes.

20 Q In what year was your daughter, your oldest
21 daughter home schooled?

22 A Tenth grade. She was home schooled in tenth grade,
23 so I don't remember exactly --

24 Q And you said when you were home schooling your
25 daughter Elizabeth, that her and David I believe you said,

1 your youngest, were the two children that you were home
2 schooling at the time, is that an accurate statement?

3 A Yes.

4 Q And your oldest daughter who was being home
5 schooled in tenth grade, why was she being home schooled in
6 tenth grade?

7 A I'm sorry. I guess it was kind of an inaccurate
8 statement. At the time Elizabeth started home schooling I
9 was home schooling her and David. Candice went to the
10 Christian church or a Christian school for one year and then
11 she decided that she wanted to be home schooled, and so we
12 allowed her to be home schooled.

13 Q So up until that time your oldest daughter was
14 attending school outside the home, is that fair to say?

15 A Yes.

16 Q And did your oldest daughter and Elizabeth share a
17 bedroom?

18 A Yes, they did.

19 Q And would you characterize her relationship as
20 relatively close, as close as the two older sisters?

21 A Yeah, I guess.

22 Q Now, you described living on a farm and you said
23 you've lived there for some time, at least this particular
24 farm, since Elizabeth was six?

25 A Yes.

1 Q Now, you indicated that she made some disclosures
2 about being sexually abused when she was seven years old?

3 A Yes.

4 Q And would that have been then during the time that
5 she was attending school for first grade?

6 A Yes.

7 Q And with regard to your farm, during that time
8 period you weren't actually working on the farm, you were
9 working yourself outside the home?

10 A I was doing both.

11 Q As a result of that, you were required to hire help
12 outside the home?

13 A Yes.

14 Q And how many employees had you hired during that
15 time period, if you know?

16 A Just the one.

17 Q Now, your farm, does it consist of modern
18 amenities?

19 A Such as?

20 Q Well, TV?

21 A Yes.

22 Q You have cable TV?

23 A No.

24 Q Do you have computer or internet access in your
25 home?

1 A I do right now, yes.

2 Q Now, you indicated that Elizabeth had gone through
3 some counseling. She's going through counseling right now?

4 A Yes.

5 Q And does she, in fact, ever go to an inpatient
6 counseling that she talked about possibly doing after Mr. Lee
7 was sentenced?

8 MR. LOVRIC: Objection.

9 THE COURT: Overruled.

10 A No, she did not.

11 Q So the counseling that she was going to go to, that
12 was presented to the Court, she didn't have to go to that?

13 MR. LOVRIC: Objection.

14 THE COURT: Overruled.

15 A Actually, the counselor that she was seeing at the
16 time told me and my husband that she felt it would be very
17 devastating to Elizabeth to send her away since she really
18 did not want to go and she said that she felt it would do
19 more damage than good at that point, and that we should wait.

20 Q So a decision was made and she didn't go to that, I
21 guess that's my question?

22 A No.

23 Q The counseling she's going through now is
24 counseling through what agency, do you know?

25 A Catholic Charities.

1 Q Is she attending counseling regularly or weekly?

2 A Weekly, yes.

3 Q Now your older daughter, does she ever have any
4 boyfriends that have come over to the house during the time
5 period that you lived on the farm when she was in school?

6 A Boyfriends you asked?

7 Q Boyfriends.

8 A Not as boyfriends, no.

9 Q Male friends that have come over to the house?

10 A Yes.

11 Q And how about females, female friends, would they
12 come over to the house?

13 A Yes.

14 Q And these were friends of hers that would come that
15 she met through school or any activities that she was
16 involved in?

17 A One was a neighbor girl that lived about a half a
18 mile up the road that would come and visit basically for the
19 summer to see her father and she would come down a lot. And
20 there were a few girls that, yes, she met in school.

21 Q And I imagine that it's a fairly normal environment
22 for the girls to be hanging out together at your home?

23 A You mean when Katie had her friends over?

24 Q Yes.

25 A Well, I guess it was kind of typical big sister,

1 little sister thing. Candy didn't want her little sister
2 tagging along.

3 Q So, not all of the contact or friends that came
4 over to your home were involved in this small church group of
5 people that had five families that had children, is that a
6 fair statement?

7 A Not all, no. That's true.

8 Q And would your children have access to newspapers?

9 A We don't receive a weekly or daily newspaper, no.

10 Q Do you ever get the newspaper?

11 A Occasionally from the neighbor.

12 Q Do you allow them to read books?

13 A Absolutely.

14 Q Magazines?

15 A M-m h-m-m.

16 Q Did you, yourself, receive any kind of specialized
17 training in order to be qualified to home school your
18 children?

19 A No.

20 Q Were you following any type of curriculum when you
21 were home schooling your children?

22 A Yes, I was.

23 Q And the curriculum is provided by who?

24 A We purchased it.

25 Q And whereabouts would you purchase the curriculum,

1 how would you go about doing that?

2 A I ordered it over the phone through a catalog from
3 Christian Liberty.

4 THE COURT: Okay. We're going to have to take
5 a break.

6 MISS PEEBLES: I'm done, Judge.

7 THE COURT: You are. Well, there might be
8 redirect.

9 MR. LOVRIC: No redirect.

10 THE COURT: You still have another witness to
11 call?

12 MR. LOVRIC: No, Judge. We were going to ask
13 that the victim be allowed to make a victim impact statement,
14 not to call her as a witness, just to make a statement before
15 sentencing.

16 THE COURT: I've got a jury out there that's
17 got a verdict so we can recess this long enough to take the
18 verdict and do whatever.

19 MR. LOVRIC: That's fine with me, Judge.

20 THE COURT: Thank you. You may step down.

21 (Witness excused).

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C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United States Court Reporter in and for the United States District Court, Northern District of New York, do hereby certify that I attended at the time and place set forth in the heading hereof; that I did make a stenographic record of the proceedings had in this matter and cause the same to be transcribed; that the foregoing is a true and correct copy of the same and the whole thereof.

VICKY A. THELEMAN, RPR, CRR
United States Court Reporter
US District Court - NDNY

Dated: September 25, 2008.